

October 30, 2018

**MEMO ENDORSED****BY ECF**Hon. Barbara Moses  
U.S. Magistrate Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10.30.18
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**Re: *Shabari Nayak v. Jefferies Group LLC, Peter Scott and Christopher M. Kanoff*,**  
Civil Case No. 16-cv-06528 (AKH)

Dear Judge Moses:

My firm represents defendants Jefferies Group, LLC, Peter Scott and Christopher M. Kanoff. I write to request a modification of Rule No. 1 of the Order Scheduling Settlement Conference. (Dkt. No. 88).

As an initial matter, I want to thank the Court on behalf of both parties for agreeing to convene this Settlement Conference on such short notice. The Court's involvement and flexibility are greatly appreciated.

With regard to the attendance of parties at the Conference, Jefferies will be represented by Senior Vice President, Assistant General Counsel, Scott Kresch. Mr. Kresch is very familiar with the facts of this matter, having been involved since its inception. He has full settlement authority and the ability to reach more senior members of management during the mediation if necessary.

However, due to the limited time we all had to prepare for this Settlement Conference and their lack of any involvement in the settlement process, Mr. Kanoff and Mr. Scott are not available to attend the Conference. I represent to the Court that neither Mr. Kanoff nor Mr. Scott have any ability to settle this matter and their inability to attend the Conference will in no way diminish the parties' ability to reach a resolution of this dispute. Mr. Kanoff is based in Los Angeles, California and therefore he will not be available. Mr. Scott has not been employed by Jefferies since the end of 2015, and other than having his deposition taken, has had minimal involvement in the defense of this action.

With regard to the insurance carrier, a specific individual at AIG, Talis Knets, has been involved in this matter and is knowledgeable about the facts and AIG's position regarding contributing to a settlement. Mr. Knets is out of town at a mediation when the Court is holding

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the Settlement Conference in this matter. However, Jefferies has had extensive discussions with Mr. Knets about AIG's involvement in a resolution of this matter and Mr. Knets has assured us that he will be available by phone during the Conference.

Once again, I can assure the Court that the inability of Mr. Kanoff, Mr. Scott and AIG to attend the Settlement Conference will not impact Jefferies' ability to pursue and enter into a reasonable settlement of this matter.

Thank you for your consideration of this request.

Respectfully submitted,



Kevin B. Leblang

cc: Lawrence Pearson, Esq. *(by ECF)*  
Bryan Arbeit, Esq. *(by ECF)*  
Kenneth Walsh, Esq. *(by ECF)*  
Izabel McDonald, Esq.

Application GRANTED. Mr. Scott and Mr. Kanoff need not attend the settlement conference scheduled for November 1, 2018. Counsel for defendants shall be responsible for ensuring that a representative from AIG is available by telephone.

SO ORDERED.



Barbara Moses, U.S.M.J.

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